

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1, 3-5, 8-16, 44 and 49-54 were pending in the application. Claim 12 has been canceled. Claims 1, 3-5, 8-9, 11, 13-16, 44, 49-50, and 52-54 have been amended. Claim 55 has been added. No new matter has been added. Claims 1, 3-5, 8-11, 13-16, 44 and 49-55 are now pending in this application with claims 1 and 44 being independent.

#### **Claim Objections**

Claim 12 was objected to for failing to depend from a preceding claim. Claim 12 has been canceled, and the subject matter of former claim 12 has been moved to new claim 55 to address this objection. Accordingly, Applicant respectfully requests withdrawal of the claim objection on this ground.

#### **Rejection of Claims 11-16, 49-51 and 54**

Claims 11-16, 49-51 and 54 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 12 has been canceled. Without acceding to the correctness of the objection, Applicant has amended claims 11-14, 16, 49-50 and 54 to recite a polyester backbone. Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

#### **Rejection of Claims 1, 3-5, 8-16, 44 and 49-54**

Claims 1, 3-5, 8-16, 44 and 49-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over "Polyether-polyester diblock copolymers for the preparation of paclitaxel loaded polymeric micelle formulations", Advanced Drug Delivery Reviews, 2002, Vol. 54, pgs. 191-202 (Liggins) in view of U.S. Patent No. 6,696,038 (Mahato) and further in view of U.S. Publication No. 2003/0134420 (Lollo).

Without acceding to the correctness of the rejection, independent claims 1 and 44 have been amended to recite that the polyester backbone comprises N-methyldietheneamine sebacate and/or

[(cholesteryl oxocarbonylamido ethyl) methyl bis (ethylene) ammonium bromide] sebacate. None of Liggins, Mahato, and Lollo teach or make obvious this feature. Accordingly, because Liggins, Mahato, and Lollo fail to teach or make obvious each and every limitation of independent claims 1 and 44, claims 1 and 44 are patentable in view of these references. The remaining claims that stand rejected on this ground depend from claims 1 and 44, and are therefore also patentable for at least these reasons.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

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Respectfully submitted,

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